

FILED 24 OCT '11 13:39 USDG-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MICHAEL A. TATE,

Case No. 3:10-cv-440-JE

Plaintiff,

ORDER

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

MARSH, Judge

Magistrate John Jelderks issued a Findings and Recommendation (#23) on July 27, 2011. The Magistrate Judge recommends that the Commissioner's final decision should be affirmed. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Despite seeking two extensions of time to file objections, plaintiff filed none. Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444

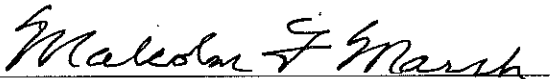
(9th Cir. 1988). Having reviewed the legal principles *de novo*, the court does not find any error.

CONCLUSION

The court ADOPTS Magistrate Judge Jelderks Findings and Recommendation (#23). Accordingly, the Commissioner's decision is AFFIRMED and this proceeding is DISMISSED.

IT IS SO ORDERED.

DATED this 21 day of OCTOBER, 2011.


Malcolm F. Marsh
United States District Judge